

CHAPTER 14
Housing and Building Codes

14.1 Permits and Fees. Issuance of permits and collection of fees shall be as authorized by Minnesota Statutes §16B.62, Subd. 1. Permit fees shall be assessed for work governed by this Code in accordance with the fee schedule adopted by the City pursuant to resolution.

Subd. 1. All construction or other work authorized by an permit issued under this Chapter shall be completed within one year of the date of issuance.

Subd. 2. No permit shall be issued unless the applicant, property, and structure, are in compliance with the appropriate zoning requirements. If necessary, applicant shall be required to apply for the correct zoning permit. The zoning permit shall be effective for 180 days following the date of issuance.

14.2 Prohibitions. No person shall construct, enlarge, alter, move, use or occupy any building or structure in the City or cause the same to be done without a building permit, contrary to or in violation of any provisions of this Code or of any provision of this Ordinance Chapter.

14.3 Setback Requirements. No permit shall issue unless the building or structure, in its present form or as proposed for construction, meets the following setback requirements:

(A) Ten feet from the rear property line;

(B) Ten feet from any side property line; and

(C) Twenty-five feet from the edge of the pavement on the front of the property. In the event there is no pavement, the distance shall be measured from the edge of the roadway as the City determines it to be.

Section - Rental Property

14.10 Minimum Standards. No person shall occupy or permit another person to occupy, any residential or non-residential structure, building, or premises, or any part thereof, which does not comply with the following requirements.

- Subd. 1. The foundation, exterior walls, and exterior roof shall be substantially water tight and shall be kept in sound condition and repair. The foundation shall adequately support the building at all points.
- Subd. 2. Every window, exterior door, and other exterior opening shall be substantially tight and shall be kept in sound condition and repair. Every window, other than a fixed window or storm window, shall be capable of being easily opened. Every openable window in a residential rental unit shall be supplied with screens of not less than 16 mesh per inch during the insect season and every openable window in a residential rental unit shall also be equipped with an appropriate lock.
- Subd. 3. Every floor, interior wall, and ceiling shall be kept in sound condition and good repair. The floor of every toilet room, bathroom, and kitchen shall have a smooth, hard, nonabsorbent surface and shall be capable of being easily maintained in a clean and sanitary condition.
- Subd. 4. The building must have heating facilities which are properly installed, maintained in safe and good working condition, and capable of safely and adequately heating all rooms to a temperature of at least 65 degrees Fahrenheit. Gas or electric appliances designed primarily for cooking or water heating purposes shall not be considered as heating facilities within the meaning of this subsection. Portable heating equipment employing flame and the use of liquid fuel does not meet the requirements of this subsection and is prohibited. No owner or occupant shall install, operate, or use a space heater employing a flame that is not vented outside the structure in an approved manner.
- Subd. 5. Every building shall be supplied with electric service, functioning over current protection devices, electric outlets, and electric fixtures which are properly installed, which are maintained in safe and good working condition.
- Subd. 6. Within every building there shall be a non-habitable room which is equipped with a flush water closet in good working condition.
- Subd. 7. Every stairway, balcony or deck, inside or outside of a building, shall be kept in safe and structurally sound condition.

Subd. 8. Ingress or egress shall be provided without passing through any other building.

14.12 Existing Structures. Any structure or building existing prior to the adoption of this section shall be deemed conforming if it was in conformance with all applicable laws and chapters when it was constructed or last reconstructed, remodeled, repaired, or altered. Unless a sooner timeline is required by this ordinance, all existing structures or units within the City shall be brought into conformance with this Section within two years. Any reconstruction, remodeling, repair, or altering of a structure or unit following adoption of this Section shall be in conformance with this Ordinance Section.

Section - General Building Provisions

14.20 Vacant Buildings. The owner of any building or any part thereof which is vacant for a period of 60 days or more, shall make the building and the premises safe and secure so as to not be hazardous to the health, safety, and welfare of the public and so as to not constitute a public nuisance. The premises of a vacant building shall be maintained in an appropriate manner including, but not limited to: mowing of yard areas; removal of weeds from parking areas, drives, medians, and landscaping; collection and removal of debris; and watering and maintaining landscaping and yard.

14.21 Buildings Unfit for Human Habitation. Any building or portion thereof which is damaged, decayed, dilapidated, unsanitary, unsafe, pest infested, or which lacks provision for basic illumination, heat, ventilation, or sanitary facilities to the extent that the defects create a hazard to the health, safety, or welfare of the occupants or of the public, may be declared unfit for human habitation. Whenever any building or premises has been declared unfit for human habitation, the City shall order the building vacated within a reasonable time and shall post a placard on the building indicating that the building is unfit for human habitation. An order issued pursuant to this Section shall be served on the owner, operator, or owner's agent and upon any occupants.

Subd. 1. It shall be unlawful for such building to be used for human habitation until the defective conditions have been corrected and written approval has been issued by the City.

Subd. 2. In the event a building has been declared unfit for human habitation and the owner has not remedied the defects within a prescribed reasonable time, the building may be declared a hazardous building and treated consistent with the provisions of Minnesota statutes.

14.22 Fences. It is unlawful for any person hereafter to construct, or cause to be constructed or erected, within the platted area of the City, any fence without first applying for and receiving a zoning permit. A permit shall be issued subject to the following requirements and conditions:

- Subd. 1. Any fence to be erected on a property line shall require the written permission of all abutting property owners, which shall be filed with the City Clerk prior to consideration of the request for a zoning permit.
- Subd. 2. The permit application shall set forth the type of fence to be constructed, material to be used, height, and exact location of the fence.
- Subd. 3. Each applicant shall pay the fees as set forth by the City Council by resolution.
- Subd. 4. All fences must be completed within six months of the date of issuance of the permit.
- Subd. 5. A fence shall be constructed in a professional manner and of substantial material reasonably suitable for the purpose for which the fence is proposed to be used. The materials and design shall be compatible with any other structures in the area and shall not cause blight or a negative impact upon the community.
- Subd. 6. Each fence shall be maintained in a condition of reasonable repair and shall not be allowed to become nor remain in a condition of disrepair or constitute a public or private nuisance. Both sides of the fences shall be maintained in good condition both in appearance and structure.
- Subd. 7. All post or similar supporting instructions used in the construction of the fence shall face inward towards the property being fenced. The side of the fence considered to be the face shall be oriented toward the abutting property or right-of-way.
- Subd. 8. Chain link fences are prohibited in the front yard.
- Subd. 9. If the property line abuts an alley, the fence must be set back at least five feet from the property line.
- Subd. 10. No fence shall be constructed within a utility easement.

14.25 Outdoor Furnaces. No solid fuel-fire heating device designed and intended, and/or used for the purpose of heating the principal structure or another accessory structure on the premise shall be allowed to be installed within the City of Bertha. Pre-existing Biofuel Burners installed within City limits at the time of adoption of this Ordinance are required to meet emission standards currently required by the EPA, which are hereby adopted by reference together with any amendments or modifications made to them in the future. No pre-existing Biofuel Burners shall hereafter be extended, enlarged, or expanded. At such time as the useful life of a non-conforming wood-burning unit or solid fuel-fire heating device has elapsed, or would need to be repaired to function properly, it may not be replaced and must be abandoned, not used and removed from the property immediately.

Subd. 1. Solid fuel-fire heating device means a device designed for solid fuel combustion so that useable heat is derived for a specific purpose, and includes solid fuel-fired stoves, combination fuel furnaces or boilers which burn solid fuel, and outdoor wood burning stoves or units.

14.26 Accessory Structures. No permanent sheet metal, painted or unpainted, shall be permitted upon the exterior of accessory structures. This Section does not prohibit painted and finish metal siding normally used for residential structures.

14.27 Numbering of Houses and Buildings. The owner or occupant of any occupied property, residential home, or other building, shall cause to be placed on such building or structure the proper house number for such building, by affixing and maintaining such number so that the number shall be clearly visible from the sidewalk or street. Where the home or building is not visible from a public street or private road, or is located more than 300 feet from such street or road, an additional set of numbers shall be placed on a sign at the driveway apron with numbers visible in both directions of travel.

Subd. 1. Numbers shall have a minimum height of not less than five inches.

Subd. 2. Numbers shall be reflective or of color contrasting with background.

Subd. 3. Numbers shall be conspicuously placed immediately above, on, or at the side of the proper door of each building so that the number can be plainly seen from the street for emergency purposes.

- Subd. 4. Multiple dwelling units and non-residential buildings must install address numbers on each unit by using a suffix “A”, “B”, “C” as may be required.
- (1) It shall be the duty of the owner or manager of every multiple dwelling building with rental units, and the owner or occupant of every individually owned dwelling in any multiple unit building, to properly identify each dwelling unit by attaching identification numbers on or adjacent to each entrance to the individual units.
 - (2) The owner or manager of any multiple dwelling building with common entrances containing one unit or more, whether the units are rental or individually owned, shall provide signs, including directional arrows, easily identifying the location of each dwelling unit in the building.
 - (3) The signs shall be placed in an obvious location inside each entrance to the building as approved by the fire chief.
- Subd. 5. The City shall assign numbers to houses and buildings using the manner set forth by the City’s addressing structure.
- Subd. 6. It is a misdemeanor for any person to fail to comply with the provisions this Section or to post numbers other than the correct City-assigned numbers. If the property owner fails to comply with the requirements of this Section, the City may erect a sign adjacent to the street, on which the number is stated or affixed, and upon completion ascertain the cost and certify the cost to the County Auditor to be collected as any other special assessment.

Section - Enforcement

14.30 Enforcement. The City, through its adopted agents or employees, shall administer and enforce the provisions of this Chapter and are authorized to cause inspections on a scheduled basis for any building when reason exists to believe that a violation of State or local laws and ordinances have been or are being committed. Inspections shall be conducted during reasonable daylight hours. This Section shall not apply to investigations conducted by the Police Department regarding prohibited conduct or other similar illegal activities.

14.31 Compliance Order. Whenever the City determines that any building or any part thereof or the premises surrounding any building, fails to meet the provisions of this Chapter, a compliance order setting forth the violations and ordering the owner, occupant, operator, or agent to correct such violations, shall be issued. This compliance order shall describe the location and nature of the violations, establish a reasonable time for the correction of such violations, and be served upon the owner, operator, agent, or occupant, as appropriate.

Subd. 1. All notices given by the City relating to violations under this Chapter shall be personally served on the appropriate party or sent by certified mail to the party's last known address. If service cannot be made personally or by certified mail, it can be made by posting the notice in a conspicuous place on the premises. Except where the City has reasonable cause to believe an emergency exists, notice shall be given to the owner, operator, manager, representative or local agent, and any affected occupant at least five business days before any inspection. Inspection notices shall be in writing and may be personally delivered or mailed by regular mail.

Subd. 2. Any person to whom a compliance order is directed who believes such order is based upon an erroneous interpretation of law or ordinance, may appeal the order to the City Council. Such appeal must be in writing, specify the grounds for the appeal, and be filed with the City within fifteen business days after service of the compliance order. The filing of an appeal shall stay all proceedings and furtherance of the action appealed from, unless such a stay would cause imminent peril to life, health, or property.

Subd. 3. The owner of any building upon whom a pending compliance order has been served may not sell, transfer, mortgage, lease, or otherwise dispose of the building, or any part thereof, until the provisions of the compliance order have been complied with.

Subd. 4. Upon failure to comply with a compliance order within the time set out therein and no appeal having been taken, and upon failure to comply with a modified compliance order within the date set therein, the City Council, in addition to any other criminal or civil remedies provided for in this Chapter, may, by resolution, following a hearing upon not less than ten days notice to the owner, cause the cited deficiency to be remedied as set forth in the compliance order. The cost of such remedy shall be a lien against the subject real estate and may be levied and

collected as a special assessment in the manner provided by Minnesota State law.

Subd. 5. The City's employees or designated agents are hereby authorized to issue citations for any violation of this Chapter.